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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/597,780	06/20/2000	Alessandro Cesare Callegari	YOR-9-2000-0010	6159
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Paul D. Greeley, Esq. Ohlandt, Greeley, Ruggiero & Perle, L.L.P. One Landmark Square 10th Floor Stamford, CT 06901-2682				
EXAMINER				
NGUYEN, HOAN C				
ART UNIT		PAPER NUMBER		
2871				
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03/24/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

09/597,780

Applicant(s)

CALLEGARI ET AL.

Examiner

HOAN C. NGUYEN

Art Unit

2871

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9, 11-13, 37 and 40-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9, 11-13, 37 and 40-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SEA-3)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Amendment

Applicant's arguments with respect to the amended claims 9 and 37 based on the Response filed on 12/18/2009 have been considered but are moot in view of the new ground(s) of rejection. Therefore, this is Final action.

Claims 1-8, 10, 14-36, 38-40 and 45 are cancelled. Claims 9, 11-13, 37, 41-44 are spending.

Specification

The disclosure amended on 12/18/2009 is objected to under 37 CFR 1.71, as being so incomprehensible as to preclude a reasonable search of the prior art by the examiner. For example, the following items are not understood: the specification amended on 12/18/2009 with feature "...first transparent (or non-transparent) conductive layer 82 comprising a thin film transistor and bus line layer (detailed structure not shown but well known in the art)..." How can the thin film transistor with semiconductor be made of conductive layer 82? ONLY the gate electrode, source electrode and drain electrode of the thin film transistor can be made of conductive layer.

Applicant is required to submit an amendment which clarifies the disclosure so that the examiner may make a proper comparison of the invention with the prior art.

Applicant should be careful not to introduce any new matter into the disclosure (i.e., matter which is not supported by the disclosure as originally filed).

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. Claims 9, 11-13, 37 and 41-44 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The claims 9 and 37 amended with the feature: "a plurality of common electrodes and a plurality of pixel electrodes disposed in an arrangement in a plane of said bottom substrate so as to produce an electric field that is normal to said plane", which has not disclosed in the specification filed on 06/20/2000, in the amended specification filed on 07/22/2002 and 12/18/2009 as follows:

The specification filed on 06/20/2000:

Page 22, line 29 to page 23, line 12.

The in-plane switching mode liquid-crystal display comprises bottom polarizer 80, bottom substrate 81, first transparent (or non-transparent) conductive layer 82, a top polarizer 90, a top substrate 91, a color filter layer 92, a second transparent conductive layer 93, a plurality of common electrodes 84 disposed in the bottom substrate plane and a plurality of pixel electrodes 85 disposed in a staggering relationship therewith to form a comb-like structure, a first dry deposited liquid crystal alignment layer 83, a second dry deposited liquid crystal alignment layer 94 being spaced adjacent to and facing the first dry deposited liquid crystal alignment layer 83, a plurality of uniformly sized transparent or non-transparent spacers

96 distributed within the space, a liquid-crystal material 95 disposed in the space between the alignment layers. The spacers can be pearl or post shaped.

The specification amended on 07/22/2002:

VERSION WITH MARKINGS TO SHOW CHANGES MADE IN THE SPECIFICATION:

Page 22, line 29 to page 23, line 12.

The in-plane switching mode liquid-crystal display comprises bottom polarizer 80, bottom substrate 81, thin film transistor and bus line layer (detailed structure not shown but well known in the art) 82, a top polarizer 90, a top substrate 91, a color filter layer 92, a second transparent conductive layer 93, **a plurality of common electrodes 84 disposed in the bottom substrate plane and a plurality of pixel electrodes 85 disposed in a staggering relationship therewith to form a comb-like structure**, a first dry deposited liquid-crystal alignment layer 83, a second dry deposited liquid-crystal alignment layer 94 being spaced adjacent to and facing the first dry deposited liquid-crystal alignment layer 83, a plurality of uniformly sized transparent or non-transparent spacers 96 distributed within the space, a liquid-crystal material 95 disposed in the space between the alignment layers. The spacers can be pearl or post shaped.

The specification amended on 12/18/2009:

Replace the replacement paragraph (Amendment dated July 22, 2002) for the paragraph beginning at page 22, line 29, with the following replacement paragraph:

---**The in-plane switching mode liquid-crystal display** comprises bottom polarizer 80, bottom substrate 81, first transparent (or non-transparent) conductive layer 82 comprising a thin film transistor and bus line layer (detailed structure not shown but well known in the art), a top polarizer 90, a top substrate 91, a color filter layer 92, a second transparent conductive layer 93, **a plurality of common electrodes 84 disposed in the bottom substrate plane and a plurality of pixel electrodes 85 disposed in a staggering relationship therewith to form a comb-like structure**, a first dry deposited liquid-crystal alignment layer 83, a second dry deposited liquid-crystal alignment layer 94 being spaced adjacent to and facing the first dry deposited liquid-crystal alignment layer 83, a plurality of uniformly sized transparent or non-transparent spacers 96 distributed within the space, a liquid-crystal material 95 disposed in the space between the alignment layers. The spacers can be pearl or post shaped. ---

First, page 22 line 29 recites "**The in-plane switching mode liquid-crystal display comprising...a plurality of common electrodes 84 disposed in the bottom substrate plane and a plurality of pixel electrodes 85 disposed in a staggering relationship therewith to form a comb-like structure**". The in-plane switching mode liquid crystal display comprising common electrode 84 and pixel electrode 85 to produce the electric field that is parallel to the surface of substrate or the plane of the bottom

substrate. There is no where in page 22, line 29 and page 23 line 12 of the specification disclosed “a plurality of common electrodes and a plurality of pixel electrodes disposed in an arrangement in a plane of said bottom substrate so as to produce an electric field that is normal to said plane” as reciting in Remarks in page 8 lines 10-11. Therefore, this amended feature is New Subject Matter.

2. Claims 9, 11-13, 37 and 41-44 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The claims 9 and 37 amended with the feature: “a plurality of common electrodes and a plurality of pixel electrodes disposed in an arrangement in a plane of said bottom substrate so as to produce an electric field that is normal to said plane”. “A *plurality of common electrodes and a plurality of pixel electrodes disposed in an arrangement in a plane of said bottom substrate*” are not able to produce an electric field that is **normal** to said plane? However, “a *plurality of common electrodes and a plurality of pixel electrodes disposed in an arrangement in a plane of said bottom substrate*” can **ONLY** produce an electric field that is **parallel** to said plane.

Claim 11-13 and 41-44 are rejected since they depend on the infinitive claims 9 and 37.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HOAN C. NGUYEN whose telephone number is (571)272-2296. The examiner can normally be reached on MONDAY-THURSDAY:8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Nelms can be reached on (571) 272-1787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Primary Examiner
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